

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present and Commissioner Gerald Vap excused. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published August 27, 2008 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 3, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, September 3, 2008:

NUSF-69 Commission Hearing Room, Lincoln. Planning Conference
1:30 In the Matter of the Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: NE Colorado Cellular, Inc. d/b/a Viaero. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2008. She reported there were a total of 66 complaints: 44 - wireline and 22 - wireless. The complaints were categorized as follows: 31 billing, 28 service and 7 miscellaneous issues.

C-3949 In the Matter of the Joint Application of Telecom Management, Inc. d/b/a Pioneer Telephone, Portland, Maine, and Broadwing Communications, LLC, Broomfield, Colorado, seeking approval of an asset purchase agreement: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

WC Docket In the Matter of the Petition of AT&T Inc. for Interim
08-152 Declaratory Ruling and Limited Waivers Regarding Access Charges and the "ESP Exemption": Gene Hand informed the Commission that reply comments in this matter were filed Tuesday, September 2, 2008. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the comments as filed. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024.05 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Action Communications, Inc. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order denying the repository access application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-024.07 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Viaero Wireless. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-024.25 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: State of Nebraska - Office of the CIO. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting repository access. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-024.26 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Sarpy County. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting repository access. Motion passed with Commissioners Anne Boyle, Rod Johnson and Frank Landis voting AYE, Commissioner Tim Schram present not voting, and Commissioner Jerry Vap excused not voting.

911-030.08 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. I-Wireless, Urbandale, Iowa, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving a stipulation and dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules or Orders and to impose administrative fines. Commissioner Rod Johnson presiding as Hearing Officer: Shana Knutson discussed the Hearing Officer's Order continuing the previously scheduled hearing of August 26, 2008 at 11:00 a.m. in the Commission Hearing Room, Lincoln, to a date later to be determined.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF- In the Matter of Jeffrey L. Pursley, Director, Telecommuni-
37.123 cations Infrastructure and Public Safety Department, v.
Gold Line Telemanagement, Inc., Respondent: Motion made by
Commissioner Frank Landis, seconded by Commissioner Tim Schram, to
enter an order revoking the carrier's certification. Motion passed
with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim
Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 41 consumer com-
plaints and inquiries received at the Commission during August. For
each company: Black Hills, f/k/a Aquila - 12; SourceGas - 25; North-
Western - 1; and Other Entities - 3.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 10, of the Universal Service
#171 Fund Rules and Regulations, to update the chapter in its
entirety and to reorganize the chapter by the nature of the
program supported by the NUSF. Commissioner Landis presiding as Hear-
ing Officer: Shana Knutson informed the Commission that a Hearing
Officer Order was entered August 29, 2008 continuing the hearing pre-
viously scheduled for October 29, 2008 to November 10, 2008 at 1:30
p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT

B-1650 In the Matter of Eastern Horizon Transportation, Inc.,
Omaha, seeking authority as a common carrier in Nebraska
intrastate commerce in the transportation of passengers and their
baggage between points in Douglas, Sarpy, Cass, and Washington coun-
ties, on the one hand, and, points between said counties on the other
hand. RESTRICTION: The transportation of railroad train crews and
their baggage is not authorized. HHS Designation: Yes. Commissioner
Boyle presiding as Hearing Officer: Mark Breiner advised the Commis-
sion that a Hearing Officer's order was entered September 3, 2008,
continuing the video hearing previously scheduled for August 6, 2008,
to December 3, 2008, at 9:30 a.m. in the Commission Hearing Room,
Lincoln, and the Nebraska State Office Building, 1313 Farnam Street,
Room 207, Omaha.

TRANSPORTATION DEPARTMENT (Cont.)

B-1709 In the Matter of James Bridgeman, dba Safe Wheels Transportation, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of clients of the Department of Health and Human Services and their baggage by van between points in Douglas County, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Upon agreement of all Commissioners, a video hearing was scheduled for October 8, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Boyle was appointed Hearing Officer.

B-1715 In the Matter of A Superior Limousine, Inc., Tekamah, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points within a 100 mile radius of Tekamah by luxury or stretch limousine. RESTRICTION: The transportation of railroad train crews is not authorized. HHS Designation: No. Commissioner Schram presiding as Hearing Officer: Mark Breiner advised the Commission that a Hearing Officer's order was entered September 3, 2008, continuing the video hearing previously scheduled for August 7, 2008, to October 1, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Lincoln.

Rate Division

BR-339 In the Matter of OMALiNK, Inc., Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application to amend rates and for approval on a temporary basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TR-164 In the Matter of Servant Cab LLC, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Commissioner Frank Landis left the Commission Hearing Room.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$1.18 per mile and the Tariff 22 fuel surcharge was decreased to \$8.32 per truck per trip.

TRANSPORTATION DEPARTMENT (Cont)

Commissioner Anne Boyle discussed the potential for requiring fuel surcharges for all carriers in lieu of general rate increases based upon fuel cost increases. Mark Breiner informed the Commission that the PSC continues to monitor rates if fuel costs decrease.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

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| Anne Boyle | \$ 561.60 |
| Rod Johnson | 1,094.72 |
| Tim Schram | 556.92 |

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendations of the following items. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

Kent Pribyl to travel to Clay Center, Kansas to perform a modular housing unit factory inspection of Wardcraft Homes on September 3, 2008 with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Commissioner Rod Johnson to attend the Mid-America Cable Conference to be held in Overland Park, Kansas from September 22-25, 2008.

Commissioner Tim Schram to attend the University of Wyoming 2008 Consumer Issues Conference to be held in Laramie, Wyoming from September 24-26, 2008 with most expenses to be paid by the University of Wyoming.

Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap to attend the National Association of Regulatory Utility Commissioners Annual Conference to be held in New Orleans, Louisiana, from November 15-19, 2008.

Gene Hand, Sue Vanicek and Laura Demman to attend the National Association of Regulatory Utility Commissioners Annual Conference to be held in New Orleans, Louisiana, from November 14-19, 2008.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the 95% budget modification adjustment to the Agency Budget Request as amended for FY 2009/10 and 2010/11. Motion passed with Commissioners Anne Boyle, Rod Johnson and Tim Schram voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

The meeting adjourned at 10:47 a.m. with Commissioners Anne Boyle, Rod Johnson and Tim Schram present and Commissioner Frank Landis and Gerald Vap excused. The next regularly scheduled meeting will be held on September 9, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 8, 2008.

Chair

Executive Director